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INCOMM HOLDINGS, INC. and  
8 BEST BUY CO., INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 BARBARA FAFARD, individually and on behalf  
of a class of similarly situated individuals,

14 Plaintiff,

15 vs.

16 APPLE INC., BEST BUY CO., INC.; and  
17 INCOMM HOLDINGS, INC.,

18 Defendants.  
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Case No. 12-CV-5125-CW

**STIPULATED REQUEST AND ORDER TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

[Local Rule 6-2, 7-12, 16-2(e)]

The Honorable Claudia Wilken

Pursuant to Local Rules 6-2, 7-12, and 16-2(e), Plaintiff Barbara Fafard and Defendants Apple, Inc. ("Apple"), Best Buy Co. Inc. ("Best Buy"), and InComm Holdings, Inc. ("InComm") (collectively, "Defendants"), through their respective counsel of record, hereby stipulate as follows with reference to the following facts:

### **RECITALS**

1. On October 3, 2012, Plaintiff Barbara Fafard filed a complaint against Apple, Best Buy, and InComm.

2. Plaintiff and Defendants have conducted extensive discussions about possible early resolution of the case. On March 7, 2013, the parties met in person in Philadelphia, Pennsylvania to discuss the case. The parties agreed to continue their discussions before a mediator in San Francisco.

3. On March 13, 2013, this case was assigned from the Honorable Edward Chen to the Honorable Claudia Wilken.

4. On March 14, 2013, the Court entered an Order Setting a Case Management Conference for Wednesday, April 10, 2013.

5. On March 15, 2013, the Court entered an Order extending Defendants' date for responding to Plaintiff's Complaint so that the parties could participate in mediation on April 25, 2013 before Judge Ronald M. Sabraw (Ret.).

6. Judge Sabraw had to cancel the April 25, 2013 mediation.

7. The parties are now trying to reschedule the mediation for a date in May 2013 with Judge Sabraw.

8. The parties believe the interests of judicial economy would be served by continuing the Case Management Conference until after the May 2013 mediation with Judge Sabraw.

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties, by and through their respective counsel of record, hereby STIPULATE that the Case Management Conference be continued to a date in July 2013 to allow the parties additional time to resolve this case.

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Jonathan Auerbach  
Attorney for Plaintiff  
Barbara Fafard

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Mathew M. Wrenshall  
Attorneys for Defendants  
InComm Holdings, Inc. and Best Buy Co. Inc.


David M. Walsh  
Attorney for Defendant  
Apple Inc.

**ORDER**

Pursuant to the above Stipulation, and good cause appearing therefor, the April 10, 2013 Case Management Conference is CONTINUED to July 10, 2013, at 2:00 p.m. The Parties shall file a joint statement advising the Court of the status of mediation and settlement discussions no later than July 3, 2013.

**IT IS SO ORDERED:**

DATED: 3/26/2013

  
The Honorable Claudia Wilken  
United States District Court Judge

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

1 I, *Mathew M. Wrenshall*, attest that as the ECF filer of this Stipulation I obtained concurrence  
2 for this filing from all signatories to this document.

3  
4 DATED: March 25, 2013

REED SMITH LLP

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6 By /s/ Mathew M. Wrenshall  
7 Mathew M. Wrenshall  
8 Attorney for Defendants  
9 InComm Holdings, Inc. and Best Buy Co. Inc.  
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